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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 683,924	03 03 2002	Wen-Tsao Lee		2398

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EXAMINER

STAFIRA, MICHAEL PATRICK

ART UNIT PAPER NUMBER

2877

DATE MAILED: 04/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/683,924

Applicant(s)

LEE, WEN-TSAO

Examiner

Michael P. Stafira

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: In claim 1, line 4 "for first image" should be written as --for a first image-- for correctly defining the limitation in the claim. Appropriate correction is required.

2. Claims 1-16 are objected to because of the following informalities:

The claims need to be in proper idiomatic English. For example in claim 3, applicant discloses "first image goes to first splitter mirror, is the same as the optical distance of reference image goes to the first mirror" but would read better as --first image is projected to the first splitter mirror, and has the same optical distance as the reference image projected to the first mirror, then being reflected to the first splitter mirror.--. Examiner has found this same situation throughout the claims and therefore it's the responsibility of the applicant to review all the claims for proper grammar. Any corrected claims should not contain no new matter. Appropriate correction is required.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 3 applicant discloses "making reflection of image" which is unclear to the examiner which image the applicant is referring such as a "reference image" or "first image". The same problem is found in lines 5-6 "and reflection of image". Further in claim 1, line 6 applicant discloses "with mirror to form an optical path" which examiner cannot determine if it's the "first mirror" or "a first splitter mirror".

Claims 2-16 depend from claim 1, and therefore hold the same deficiencies. Further is the applicants responsibility to make sure the claims meet the format of 35 U.S.C. 112.

In as much as the claim(s) can be understood in light of the 112 rejection(s) made above, the following rejection(s) apply:

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Flint, III ('307).

Claim 1

Flint, III ('307) discloses an electronic image display (Fig. 1, Ref. 18), which provides a reference image; a first mirror (Fig. 3, Ref. 98) which makes reflection of an image; a first light source (Fig. 1, Ref. 46), which illuminates a first pattern (Fig. 1, Ref. 30) for a first image; a first splitter mirror (Fig. 1, Ref. 10) which making partial penetration and reflection of the image, with the mirror to form an optical path (Fig. 3, Ref. 74'), both reference image and image of

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pattern are projected to the splitter mirror(See Fig. 1 or 3). It is the position of the examiner that since applicant fails to disclose in the claims that the images are compared that the current reference meets the claimed limitations. Further it's the examiners position that the claimed limitations lack structural limitations relative to the other optical elements further allowing the reference of Flint, III ('307) to read on the claimed limitations.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flint, III ('307).

Claims 2-16

Flint, III ('307) discloses the claimed invention except for the different combinations of optical elements in claims 2-16. It would have been obvious matter of design choice to combine Flint, III ('307) with the different optical arrangements, since applicant has not disclosed that the different arrangements solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the elements disclosed in Flint, III ('307). Applicant's specification fails to express the need for the addition of optical elements and the need for different arrangements and therefore would be obvious to one skilled in the art to add

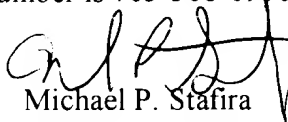
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different optical elements to redirect images so as to fit the system into different types of packaging.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Stafira whose telephone number is 703-308-4837. The examiner can normally be reached on 4/10.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on 703-308-4881. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7721 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Michael P. Stafira
Primary Examiner
Art Unit 2877

April 14, 2003